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7 Attorneys for Defendants and Cross-Defendants  
 8 Bay Environmental Management Inc., Caesar Nuti,  
 Dennis Varni, Mario Aquilino, Loyd Bonfante Sr.,  
 Joseph Della Zoppa, Estate of Richard Granzella Sr.,  
 Edward Menosse, Pasquale Parenti, and Estate of Pina J.  
 Barbieri

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 11 IN THE UNITED STATES DISTRICT COURT  
 12 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 13 SAN FRANCISCO DIVISION

14 JERRY VAUGHN and THERESA  
 15 TRAVERS,

Case No. C03-5725 SC

**STIPULATION AND [PROPOSED]  
 ORDER CONTINUING FURTHER  
 STATUS CONFERENCE AND  
 HEARING ON MOTION FOR  
 PRELIMINARY APPROVAL OF  
 CLASS ACTION SETTLEMENT**

Plaintiffs,

v.

17 BAY ENVIRONMENTAL MANAGEMENT  
 18 INC., CAESAR NUTI, DENNIS VARNI,  
 MARIO AQUILINO, LOYD BONFANTE  
 SR., JOSEPH DELLA ZOPPA, ESTATE OF  
 19 RICHARD GRANZELLA SR., EDWARD  
 MENOSSE, PASQUALE PARENTI, FSC  
 20 SECURITIES CORPORATION, AND  
 JERROLD N. WEINBERG

Defendants.

22 FSC SECURITIES CORPORATION and  
 23 JERROLD N. WEINBERG,

Cross-Claimants,

v.

25 BAY ENVIRONMENTAL MANAGEMENT  
 26 INC., ESTATE OF PINA J. BARBIERI,  
 CAESAR NUTI, DENNIS VARNI,

Cross-Defendants.

1           WHEREAS, the parties filed a settlement term sheet with the Court on July 30, 2010  
 2 (Docket No. 206), which set forth the essential terms on which they have agreed to settle this  
 3 matter;

4           WHEREAS, the parties attended a status conference on September 3, 2010 and reported  
 5 to the Court that substantial progress had been made in setting forth the complete terms of the  
 6 settlement in a formal, written agreement, and that they anticipated being able to submit a fully  
 7 executed settlement agreement to the Court, along with Plaintiffs' papers requesting  
 8 preliminary approval of the agreement, within two weeks;

9           WHEREAS, the Court ordered a further status conference and the hearing on Plaintiff's  
 10 contemplated Motion for Preliminary Approval of the Class Action Settlement be held on  
 11 September 17, 2010 at 10 a.m.;

12           WHEREAS, the parties have been working diligently on the formalization of the  
 13 settlement agreement, but not yet finalized the settlement, as they are working to resolve  
 14 complex Internal Revenue Code and related issues raised by the distribution of the settlement  
 15 funds through previously terminated employee pension benefit plans;

16           WHEREAS, the parties expect to soon resolve all outstanding issues and execute a  
 17 finalized settlement agreement, and Plaintiffs expect to file an unopposed motion for  
 18 preliminary approval of the finalized agreement in the near future;

19           NOW, THEREFORE, the parties stipulate, and respectfully request the Court to order,  
 20 as follows:

21           That the further status conference and hearing on Plaintiffs' Motion for Preliminary  
 22 Approval currently set for September 17, 2010 at 10:00 a.m. be continued to November 15,  
 23 2010 at 10:00 a.m.

24 DATE: September 16, 2010

LEWIS, FEINBERG, LEE, RENAKER &  
 JACKSON, P.C.

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By: /s/ Teresa S. Renaker

Teresa S. Renaker

Attorneys for Plaintiffs JERRY VAUGHN  
 and THERESA TRAVERS

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MORGAN, LEWIS &  
 BOCKIUS LLP  
 ATTORNEYS AT LAW  
 SAN FRANCISCO

DB2/21925337.1

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(CASE NO. C03-5725 SC)

1 DATE: September 16, 2010

MORGAN LEWIS & BOCKIUS LLP

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By: /s/ Nicole A. Diller  
Nicole A. Diller  
Attorneys for Defendants  
BAY ENVIRONMENTAL  
MANAGEMENT INC., CAESAR NUTI,  
DENNIS VARNI, MARIO AQUILINO,  
LOYD BONFANTE SR., JOSEPH DELLA  
ZOPPA, ESTATE OF RICHARD  
GRANZELLA SR., EDWARD MENOSSE,  
PASQUALE PARENTI, AND THE  
ESTATE OF PINA J. BARBIERI

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DATE: September 16, 2010

WILSON, ELSER, MOSKOWITZ, EDELMAN &  
DICKER LLP

By: /s/ Bernard Gehlhar  
Bernard Gehlhar  
Emily Wood  
Attorneys for Co-Defendants FSC  
SECURITIES CORPORATION and  
JERROLD N. WEINBERG

**ATTESTATION**

Pursuant to General Order 45(X), I attest that concurrence in the filing of this document has been obtained from each of the other signatories.

Dated: September 16, 2010

By: /s/ Nicole A. Diller  
Nicole A. Diller

1 **[PROPOSED] ORDER**

2 **Pursuant to stipulation, the Court hereby ORDERS as follows:**

3 The status conference and hearing on Plaintiffs' Motion for Preliminary Approval  
4 currently set for September 17, 2010 at 10:00 a.m. is continued to November 15, 2010 at 10:00  
5 a.m.

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8 DATE: September 16, 2010

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